

Kevin Díaz, OSB No. 970480
Email: kdiaz@aclu-or.org
ACLU Foundation of Oregon
PO Box 40585
Portland, OR 97240
Tel.: (503) 227-6928; Fax: (503) 227-6948

Nathan Freed Wessler (*pro hac vice* application pending)
Email: nwessler@aclu.org
Ben Wizner (*pro hac vice* application pending)
Email: bwizner@aclu.org
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500; Fax: (212) 549-2654

Attorneys for the Plaintiffs-Intervenors

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORLAND DIVISION

**OREGON PRESCRIPTION DRUG
MONITORING PROGRAM**, an agency of
the **STATE OF OREGON**,

Plaintiff,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION**,
an agency of the **UNITED STATES
DEPARTMENT OF JUSTICE**,

Defendant.

Case No.: 3:12-cv-02023-HA

MOTION TO INTERVENE

Oral Argument Requested

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, DR. JAMES ROE, and the AMERICAN CIVIL LIBERTIES UNION OF OREGON, INC.,

Plaintiffs-Intervenors,

v.

UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, an agency of the UNITED STATES DEPARTMENT OF JUSTICE,

Defendant in Intervention.

MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24(a), John Does 1–4, Dr. James Roe, and the ACLU of Oregon (“Movants”) move for leave to intervene as of right as plaintiffs in this action in order to protect their constitutional right to be free of unreasonable searches. In the alternative, Movants request permission to intervene under Federal Rule of Civil Procedure 24(b). Pursuant to Local Rule 7-1, the parties have conferred and have been unable to resolve their dispute. Defendant U.S. Drug Enforcement Administration objects to this motion. Plaintiff Oregon Prescription Drug Monitoring Program takes no position on this motion.

As explained in the accompanying memorandum, intervention is appropriate because this motion is timely, Movants’ fundamental rights are at stake, disposition of this lawsuit will impair their ability to protect those rights, and Movants have unique, personal interests in the information that is the subject of this lawsuit that are different from the parties’ interests.

Dated: January 25, 2013

Respectfully submitted,

/s/ Ben Wizner
Ben Wizner (*pro hac vice* application pending)
Nathan F. Wessler (*pro hac vice*
application pending)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500
Fax: (212) 549-2654

/s/ Kevin Díaz
Kevin Díaz (OSB No. 970480)
ACLU Foundation of Oregon
PO Box 40585
Portland, OR 97240
Tel.: (503) 227-6928
Fax: (503) 227-227-6948

Counsel for Plaintiff-Intervenors